

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LUCINDA BURROUGHS,)	
)	
Plaintiff,)	Case No. 17-cv-5098
)	
v.)	Judge Ruben Castillo
)	
COOK COUNTY CLERK and)	Magistrate Judge Young B. Kim
COUNTY OF COOK,)	
)	
Defendants.)	

PLAINTIFF’S MOTION IN LIMINE AS TO DEFENDANT EXHIBITS 1 AND 2

Now Comes the Plaintiff, by and through her attorney, Arthur R Ehrlich, of the Law Offices of Goldman & Ehrlich, Chtd. and in support of her motion in limine states as follows:

1. Defendant exhibits 1 and 2 relate to a criminal matter against Plaintiff originating in 2005, which led to an apparent plea agreement that was entered into in 2007. Plaintiff objects because the criminal matter is more than 10 years old and therefore should not be admitted pursuant to FRE 609 (b).

2. The Advisory Committee Notes for Rule 609(b) state that “convictions over 10 years old will be admitted very rarely and only in exceptional circumstances.” Fed.R.Evid. 609(b) advisory committee’s note; *United States v. Shannon*, 766 F.3d 346, 352 n. 9 (3d Cir. 2014).

3. Plaintiff also argues that these exhibits should be excluded and no questions nor testimony should be asked nor provided because any possible relevance will be substantially outweighed by the resulting prejudice, under FRE 403. Plaintiff was approximately 18 years at the time of the incident. Moreover, aside from being more than 10 years old, Plaintiff stated at her deposition that she was only charged with this matter because she refused to testify at a trial against

the other defendants in that case. Therefore, admitting these exhibits will lead to additional information and testimony that will distract from the trial and issues in this case.

4. Defendants also failed to produce or advise Plaintiff or provide any copies of the these exhibits, or related documents until February 15, 2019.

Wherefore, Plaintiff requests that Defendants' exhibits 1 and 2 be excluded under FRE 609 (b) and 403, and that Defendants be barred from asking any questions that may lead to any testimony of the matter noted in those exhibits, or from making any reference at all to these or other criminal matters at the trial.

Dated: February 19, 2019

/s/ Arthur R. Ehrlich

Arthur R. Ehrlich of GOLDMAN &
EHRlich, as attorney for Plaintiff,
LUCINDA BURROUGHS

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